

ORDINANCE NO. 2002 -006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT 02-SCA 71 COM 2 (MILITARY TRAIL/PURDY LANE); MODIFYING PAGE 71 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY .78 ACRES GENERALLY LOCATED 240' WEST OF THE NORTHWEST CORNER OF MILITARY TRAIL AND PURDY LANE, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH (CH) WITH CROSS-HATCHING AND A CONDITION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on November 16, 2001, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1           WHEREAS, the Palm Beach County Board of County Commissioners, as  
2 the governing body of Palm Beach County, conducted a public hearing  
3 pursuant to Chapter 163, Part II, Florida Statutes, on February 28,  
4 2002, to review the recommendations of the Local Planning Agency and  
5 to consider adoption of the amendments; and

6           WHEREAS, the Palm Beach County Board of County Commissioners has  
7 determined that the amendment complies with all requirements of the  
8 Local Government Comprehensive Planning and Land Development  
9 Regulation Act.

10           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12           Part I. Amendments to the Future Land Use Atlas of the Land Use  
13 Element of the 1989 Comprehensive Plan

14           The following amendment to the Future Land Use Element's Future  
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16           A.     Future Land Use Atlas page 71 is amended as follows:

17           Application No.: 02-SCA 71 COM 2 (Military Trail/Purdy Lane)

18           Amendment:                 From Medium Residential, 5 units per acre  
19   (MR5) to Commercial High (CH) with cross-  
20   hatching;

21           General Location:         240' west of the Northwest corner of  
22   Military Trail and Purdy Lane;

23           Size:                       Approximately .78 acres;

24           B.     Condition: This parcel is subject to the following  
25   condition:

- 26                         1. There shall be no commercial square footage associated  
27   with the site.

28           Part II. Repeal of Laws in Conflict

29           All local laws and ordinances applying to the unincorporated  
30 area of Palm Beach County in conflict with any provision of this  
31 ordinance are hereby repealed to the extent of such conflict.

32           Part III. Severability

33           If any section, paragraph, sentence, clause, phrase, or word of  
34 this Ordinance is for any reason held by the Court to be  
35 unconstitutional, inoperative or void, such holding shall not affect  
36 the remainder of this Ordinance.

1                    Part IV. Inclusion in the 1989 Comprehensive Plan

2                    The provisions of this Ordinance shall become and be made a part  
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of  
4 the Ordinance may be renumbered or relettered to accomplish such, and  
5 the word "ordinance" may be changed to "section," "article," or any  
6 other appropriate word.

7                    Part V. Effective Date

8                    This amendment shall not become effective until 31 days after  
9 adoption. If challenged within 30 days after adoption, this  
10 amendment shall not become effective until the state land planning  
11 agency or the Administration Commission, respectively, issues a final  
12 order determining the amendment is in compliance.

13                   **APPROVED AND ADOPTED** by the Board of County Commissioners of

14 Palm Beach County, on the 28 day of February, 2002.

15  
16                   **ATTEST:**  
17                   DOBOTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

18  
19  
20                   Joan Lavee  
21                   Deputy Clerk

By W. Newell  
Warren H. Newell, Chairman

22  
23                   **APPROVED AS TO FORM AND LEGAL SUFFICIENCY**  
24                   Robert P. O'Connell  
25                   COUNTY ATTORNEY

26  
27  
28                   Filed with the Department of State on the 8th day  
29 of March, 2002.  
30



## EXHIBIT 1

Amendment No.: 02-SCA 71 COM 2 (Military/Purdy)

FLUA Page No.: 71

**Amendment:** From Medium Residential, 5 units per acre (MR-5) to Commercial High (CH) with cross-hatching

**Location:** Approximately, 240 feet west of the northwest corner of Military Trail and Purdy Lane

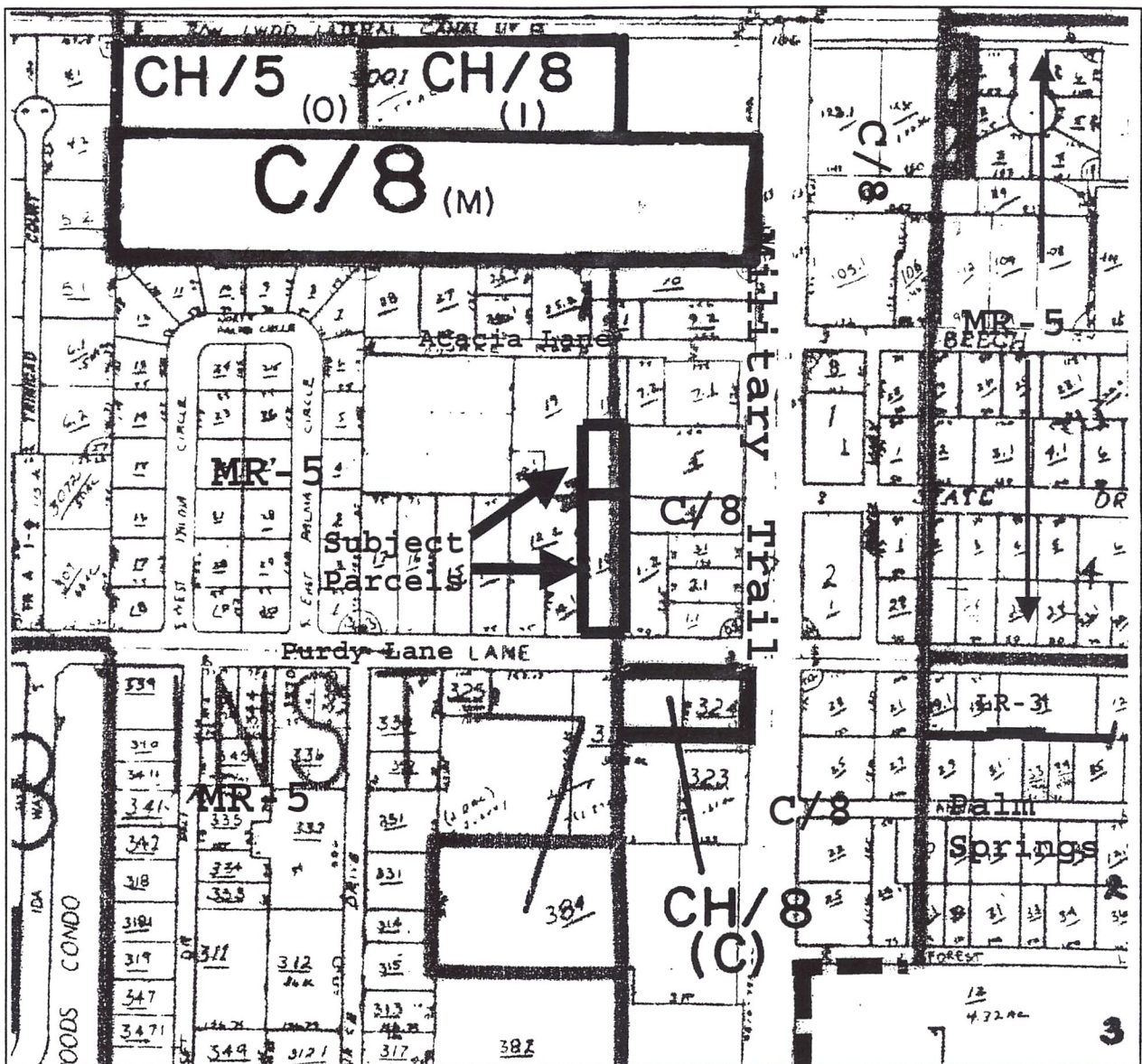
**Size:** Approximately .78 acres

**Property No.:** 00-42-44-13-03-002-0110; 0180

**Legal** See attached

**Description:**

**Conditions:** There shall be no commercial square footage associated with this site.



T:\PLANNING\AMEND\02-sca\Sitespecific\Military Purdy\Petsum.doc

**Legal Description:**

---

LOT 11, IN BLOCK 2, OF "BUSH & MOHNEY'S ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT 18, LOT 11, IN BLOCK 2, OF "BUSH & MOHNEY'S ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on FEBRUARY 28, 2002  
DATED at West Palm Beach, FL on 4/1/02  
DOROTHY H. WILKEN, Clerk  
By: Heather Brown D.C.